

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 98-1939

Vellis Redden,

Appellant,

v.

Springfield Engineering Company;
Local 36 Sheet Metal Workers'
International Association,

Appellees.

*
*
*
*
*
*
*
*
*

Appeal from the United States
District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Submitted: December 28, 1998

Filed: December 29, 1998

Before FAGG, BEAM, and LOKEN, Circuit Judges.

PER CURIAM.

Vellis Redden appeals the district court's¹ dismissal of his employment discrimination action as untimely filed. Redden asks this court to apply the doctrine of equitable tolling to excuse his late filing, because he was misled by the person he had hired to represent him in his discrimination case. We conclude that the circumstances presented do not warrant the application of equitable tolling. See Shempert v. Harwick

¹The HONORABLE ELSIJANE TRIMBLE ROY, United States District Judge for the Eastern District of Arkansas.

Chem. Corp., 151 F.3d 793, 798 (8th Cir.) (where circumstances relating to filing were never beyond plaintiff's control, equitable tolling did not apply), petition for cert. filed, 67 U.S.L.W. 3323 (U.S. Oct. 29, 1998) (No. 98-709); cf. James v. United States Postal Serv., 835 F.2d 1265, 1267 (8th Cir. 1988) (even though plaintiff was unassisted by counsel, unable to find lawyer, and unfamiliar with legal process, equitable tolling did not excuse untimely filing). Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.